

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 4:22-CR-612
§
TOM COOPERMAN §
§

JOINT MOTION TO CONTINUE SCHEDULING ORDER

TO THE HONORABLE JUDGE ANDREW S. HANEN:

COMES NOW, Tom Cooperman (joined by Defendants Constantinescu, Matlock, Rybarczyk and Deel) and requests the Court extend the current Scheduling Order relative to the Defendants' deadline for disclosure of witnesses and exhibits.

I.

The current Scheduling Order calls for Defendants to disclose exhibit and witness lists by August 25, 2023.¹ The Government produced its exhibits on August 14, 2023.² Over the last week, Undersigned Counsel have reviewed approximately 15% of the Government's exhibits. Many of these exhibits contain material in formats not previously produced.³ The overwhelming volume and novelty of some exhibits represent but two of the challenges presented by this insurmountable obstacle – the August 25th deadline for

¹ Doc. 254.

² Over 900 exhibits – comprised of roughly 1,248 files.

³ Specifically, the Government has cut/pasted, reordered and removed context to many of the Defendants' message to one another. This editing of exhibits requires Counsel to go to the native messages for comparison in each instance – a very time-consuming and inefficient process.

disclosure of witnesses and exhibits. Counsel cannot intelligently nor efficiently designate exhibits without ample opportunity to review the Government's vast universe of exhibits.

II.

The greater challenge lies in Undersigned Counsels' preexisting trial docket. Ms. Epley is fifteen days out from the commencement of the impeachment trial of Attorney General W. Kenneth Paxton, Jr. She was appointed Chief Counsel and Director for the Texas House Committee on General Investigating, lead investigator and one of the lawyers on the trial team. The impeachment trial commences on September 5th in Austin. Preliminary matters and the trial itself necessitate Ms. Epley spending the next several weeks in Austin.

As previously detailed for the Court, Mr. Lewis has an extraordinarily heavy trial docket. The confluence of COVID, eighteen months of trial in Los Angeles and a five-month death penalty trial in Lubbock resulted in over two dozen pending trial settings as of April 2023. Fresh off of a lengthy trial in Chambers County, Mr. Lewis is preferentially set to begin another week-long trial the first week of September.⁴

WHEREFORE PREMISES CONSIDERED, Mr. Cooperman respectfully requests the Court extend the deadline to disclose witnesses and exhibits to September 8, 2023, to ensure effective assistance of counsel.

⁴ *State of Texas v. John Reddick* - (Cause Nos. 1734057-58 and 1765347-50). These cases have been pending for over two years.

Respectfully Submitted,

/s/ Chip Lewis

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CERTIFICATE OF CONFERENCE

On August 22, 2023, counsel for Defendant conferred with the Government concerning their position on this Motion and the Government is OPPOSED.

/s/ Chip Lewis

CHIP LEWIS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion has been forward via electronic mail to the Government on this the 22nd day of August 2023.

/s/ Chip Lewis

CHIP LEWIS